

IN THE UNITED STATES DISTRICT COURT  
STATE OF ILLINOIS  
SOUTHERN DISTRICT

BRIAN PAYNE, )  
Plaintiff, ) Cause No.: 3:12-CV-00621-SCW  
v. )  
JEFFREY WATTS, )  
and )  
JOSHUA DYCUS )  
Defendants. )

**ORDER APPROVING**  
**WRONGFUL DEATH SETTLEMENT**

Now on this 5<sup>th</sup> day of October, 2012, comes on Plaintiff's Petition for Approval of Settlement. Comes Plaintiff in person and by Attorney's and comes Defendants by counsel. The parties announce a tentative settlement in the amount of One Hundred Thousand (\$100,000.00) Dollars, which Defendant, Watts, proposes to pay on behalf of all persons entitled to share in proceeds as the result of the wrongful death of Samantha Dycus and for all medical bills and funeral expenses, and injuries incurred in the care and treatment of Samantha Dycus, deceased.

The parties waive trial by jury and oral and documentary evidence is adduced, and upon due consideration thereof, the Court having been fully advised in the premises.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the cause of action and claim for injuries, damages, and losses, and for the wrongful death of

Samantha Dycus, deceased, be settled for total consideration of One Hundred Thousand (\$100,000.00) Dollars and a settlement in said sum is hereby approved.

IT IS FURTHER ORDERED that at said time the settling parties shall collect said settlement; receipt therefore; execute appropriate releases; pay all costs and expenses of recovery and collection. The settling parties are to pay their attorney's fees from the \$100,000.00 funds, and, having done so, file with this Court parties Report.

It is the further finding of the Court that Plaintiff is entitled to bring this wrongful death claim and that Plaintiff Brian Payne, Mother Kim Kloda and Husband, Joshua Dycus are the sole persons entitled to sue or join in this action for the death of Samantha Dycus, deceased, and on evidence adduced, the Court finds that the following persons should share in said proceeds in the following amounts, to-wit:

To Brian Payne the sum of \$30,000.00;

To Kim Kloda the sum of \$30,000.00; and

To Joshua Dycus the sum of \$40,000.00.

From the settlement monies described in the above paragraph, the law firms of Goffstein Law, LLC and the Stokes Law Office are entitled to attorney's fees of \$12,000.00 from Brian Payne and \$12,228.60 in fees and costs from Kim Kloda. The law firm of Kodner, Watkins & Kloecker are entitled to \$16,000.00 attorneys fees and costs from Joshua Dycus.

Final proceeds to all Class One (1) individuals after attorney fees and costs is as follows:

Plaintiff Brian Payne \$18,000.00;

Mother, Kimberly Kloda \$17,771.40; and

Husband, Joshua Dycus \$24,000.00

IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that on receipt of settlement and Report of the Plaintiff, the Defendant, Watts, shall be and is hereby forever discharged, free from any and all liability of whatever kind or nature for the injury and death of Samantha Dycus, deceased. This Order has no effect on potential UIM claims.

**SO ORDERED:**     /s/ *Stephen C. Williams*  
**STEPHEN C. WILLIAMS**  
United States Magistrate Judge

DATED:               October 5, 2012